

**COURT INTERPRETER COMMISSION**  
**FRIDAY, NOVEMBER 5, 2010**  
**AOC SEATAC OFFICE**

**Members Present:** Justice Susan Owens (chair), Leticia Camacho, Kristi Cruz, Frank Maiocco, Dirk Marler, Mike McElroy, Steve Muzik (phone), Judge James Riehl, Theresa Smith, Judge Gregory Sypolt (phone)

**AOC Staff:** Katrin Johnson, Tina Williamson

**I. General Business**

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Kristi Cruz was introduced as the Commission's newest member. Kristi chose to participate on the Education Committee.

Sam Mattix was recently appointed as the new interpreter representative, but was unable to attend today. He will choose which committee he would like to join at the next meeting.

The August 2010 meeting minutes were unanimously approved and will be posted to the AOC's website.

**II. Update: Boards/Commissions Workgroup's Recommendations**

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The workgroup's final report is completed and available. The recommendation is to convene a council to identify strategies enhancing collaboration and cooperation among diversity-related boards and commissions. The workgroup will meet again on November 15 to discuss the next steps.

**III. Update: Judge/Court Staff Education and Training**

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**2011 DMCJA Spring Conference**

The Education Committee has submitted a plenary session proposal for the DMCJA Spring Conference focusing on language access for persons who are deaf and hard of hearing. The committee would like to offer this session to court administrators in the future.

**2011 Judicial College**

Judge Riehl and Katrin will be presenting at the 2011 Judicial College in January. The session will highlight working with court interpreters.

**Institute for New Court Employees (INCE)**

Recently, Katrin presented at the INCE, focusing on working with court interpreters and strategies for providing language assistance in customer service. The session was well received.

## **Washington State Coalition for Language Access (WASCLA)**

Katrin, Theresa and Kristi presented various sessions at this year's WASCLA Summit in Shoreline. The program was attended by more than 250 participants representing interpreters/translators, government agencies, nonprofit agencies, etc.

### **IV. Discussion: Immigration Status of Court Interpreters**

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Frank reported on a situation that recently occurred. A court needed an interpreter for the language Mam. As is common for indigenous languages, the interpreter could only interpret between Mam and Spanish, so a second Spanish/English interpreter was required. The Spanish interpreter stated there was a conflict and could not work the case, because of previous assignments in immigration court where this Mam interpreter had a pending case.

This Mam interpreter is not credentialed by the AOC Court Interpreter Program, but the question came up - Does the Court Interpreter Program vet interpreters' legal status to work in the U.S.? No, the requirements for being certified or registered focus on competence. While criminal histories are checked, immigration status is not. Members agreed that this standard should continue.

What should a court do when encountered with this type of situation? It is difficult to find qualified interpreters for languages like Mam, so the concern over immigration status may make it more difficult to meet the language needs of court customers, and comply with state and federal language access requirements.

Katrin will discuss further with Frank about the Spanish interpreter's disclosure, and whether a disciplinary action should be initiated.

### **V. Discussion: Interpreting for In-Custody Competency Evaluations**

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Disability Rights Washington has recently been in contact with Katrin regarding concerns over interpreting for competency evaluations. First, they reported that when evaluations are being conducted at the local county jail, it is unclear which agency is responsible for scheduling interpreters. In result, interpreters are not scheduled and cases are prolonged. Second, when evaluations occur at Western State Hospital, unqualified interpreters are hired for the evaluations. The attorneys at DRW agreed to call in to the meeting and discuss their concerns with the Commission. No one called in.

### **VI. Demonstration and Discussion: Video Remote Interpreting**

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InDemand Interpreting, a Washington company, provided a presentation and live demonstration on video remote interpreting. They have been in operation since 2007 and are looking to expand their services to the courts. They currently have medical customers in eight states and several around Washington, including Central Washington Hospital, Valley Medical Center, Seattle Cancer Care Alliance, and Swedish Hospital. InDemand employs interpreters, including one court certified interpreter, who work from call centers located in Moses Lake, Wenatchee, and Tacoma.

VRI software has been custom developed for interpreting and is supported on any PC or Mac. It offers low bandwidth usage, up to six-way video conferencing, the ability to record, and secure communication that ensures privacy.

VRI may be a method to help bring court certified interpreters to areas of the state where no certified interpreters reside, particularly in light of current budget limitations and the inability to pay interpreters for travel time.

Current technology allows for use of all three interpreting modes. A VRI spoken language interpreter can simultaneously interpret by directing the interpretation to the headphones of the non-English speaker(s). Consecutive can be accomplished with the interpreter's voice being projected through the courtroom's sound system. Sight translation is also possible because documents can be faxed to and from the interpreter's workstation. In all three modes, interpretation is improved over telephonic because the interpreter can see the speakers and vice versa, and the audio is connected to a courtroom's sound system.

Members encouraged the exploration of incorporating team interpreting into the delivery of court interpretation to eliminate the potential for fatigue and errors. VRI has become well established in the field of sign language interpreting, and they have found that quality can be degraded when organized by for-profit companies.

Members supported the possibility of establishing a pilot site for experimenting with VRI in the courtroom.

## **VII. Update: Interpreter Program Testing/Training**

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Twelve of 19 registered interpreters that passed the written exam in February passed the oral proficiency interview (OPI) that was administered in June. They attended a mandatory training on courtroom protocol and ethics in August and became AOC Registered. They are the following interpreters:

<i>Amharic</i>	<i>Serawit Abebe</i>
<i>Farsi</i>	<i>Ataullah Arjomand, Farjam Majd</i>
<i>Japanese</i>	<i>Harumi Branch, Etsuko Lee</i>
<i>Punjabi</i>	<i>Amrik Kang</i>
<i>Romanian</i>	<i>Adrian Florian, Razvan Adamovici</i>
<i>Tagalog</i>	<i>Maria Pyle</i>
<i>Thai</i>	<i>Anne Bryce, Chintana Barden, Robert Fleming</i>

The oral exam for certified interpreters was administered in September and there were 81 candidates:

- *46 took the exam for the first time*
- *17 took the exam for the second time*
- *12 took the exam for the third time*
- *3 took the exam for the fourth time*
- *1 took the exam for the sixth time*

- 2 took the exam for the eighth time

Not all of the results are available yet, but here's what has been reported so far:

- *Arabic – 1 failed*
  - *French – 3 candidates, 1 passed (King County)*
  - *Russian – 12 candidates, 1 passed (Clark County)*
  - *42 Spanish – 42 candidates (results received for ½) 6 out of 21 passed (Pierce, Franklin, Grays Harbor, Douglas, King, Snohomish Counties)*
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Unknown results:

- *Bosnian/Serbian/Croatian – 1 candidate*
- *Cantonese – 1 candidate*
- *Korean – 10 candidates*
- *Mandarin – 6 candidates*
- *Vietnamese – 5 candidates*

The candidates passing the oral exam will complete their certification requirements by attending an ethics and protocol class on February 11, 2011, passing a criminal background check, and taking the oath of interpreter.

The next written exam is scheduled for February 26, 2011 and registration will open in December.

### **VIII. Discussion: U.S. Department of Justice (DOJ) Letter, Memo to WA Courts and Conflicting RCWs**

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Members reviewed and discussed the letter sent from State Court Administrator Jeff Hall to all presiding judges, court administrators and county clerks on October 14, 2010, regarding U.S. DOJ standards for language access. RCW 2.43 prescribes the requirements for providing interpreter services in Washington courts. However, entities that receive federal funding from the U.S. DOJ are obligated to meet higher standards of ensuring language access to the limited English proficient (LEP) public.

The Commission discussed whether it should encourage efforts to modify Washington law to meet the same requirements as federal guidance. The inconsistency between the two standards can be confusing to courts. However, the cost to courts may be very high given the current financial climate.

A motion was made by Leticia to seek to revise RCW 2.43 to conform to DOJ Guidance standards. The motion was seconded by Kristi and passed (9-yes, 1-abstain). Justice Owens will bring the matter to the Board of Judicial Administration.

### **Concern about a Court's Failure to Provide Interpretation**

Leticia reported on a recent situation involving a pro se litigant observed by one of her colleagues. The docket states the following:

*In broken English, the litigant asks for an interpreter. The Judge (on the record) tells the litigant he needs to pay for the interpreter and asks if he's gone to the Clerk's Office and paid the \$100 fee. The litigant says I don't have \$100. Although the Judge acknowledges the language difference, the litigant is informed that because he didn't bring a family member or friend to court to interpret, the case can move forward. The Judge ruled against the litigant.*

Leticia will provide Katrin with a copy of the recording of the hearing. The information will be reviewed, and if appropriate, Justice Owens will send a letter of concern to the court, referencing the recent memo from Jeff Hall.

#### **IX. Revisions to Bench Card**

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Members discussed staff's proposed revisions to the Bench Card. Changes included (1) references to the legal requirements for providing interpreters at court expense, and (2) instructions on administering the oath in light of the recent statutory changes. The proposed revisions were approved by the Commission. New bench cards will be distributed in 2011.

#### **X. Update: ABA Standards Project**

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Last fall the American Bar Association put out an RFP for creating national standards for language access in state courts. Kristi Cruz and Gillian Dutton of Seattle University were selected as consultants to lead the project. Originally, the focus was just on state courts, but that has now expanded to federal courts, tribal courts, military courts, administrative courts and attorney obligations. A national advisory group was compiled with judges, interpreters, court administrators, LEP advocates, educators, and relevant stakeholders representing 18 states. The advisory group will oversee the development of the draft standards and will assist in gaining feedback and collaboration. The standards are available on the ABA website and you can read updates as they are posted. Work is being done on Section 3 right now and the group is meeting two times a month. By April, webinars will be available to solicit feedback.

#### **Next Meeting:**

Friday, February 4, 2011  
11:00 a.m. – 2:30 p.m.  
AOC SeaTac Office